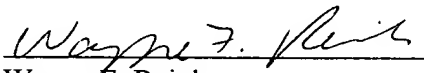


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants: Schneiter et al. Confirmation No. 4469
Serial No.: 09/286,043 Group Art Unit: 2172
Filed: 04/05/1999 Examiner: Colbert, E.
Title: DATABASE SEARCH IN DISTRIBUTED COMPUTER SYSTEM ON
 PORTION OF REMOTE DATABASE

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Board of Patent Appeals and Interferences, Washington, D.C. 20231, on October 29, 2001.


Wayne F. Reinke
Attorney for Appellants
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Date of Signature: October 29, 2001.

To: Assistant Commissioner for Patents
 Board of Patent Appeals and Interferences
 Washington, D.C. 20231

APPELLANTS' REPLY BRIEF TO THE BOARD OF PATENT
APPEALS AND INTERFERENCES

Dear Sir:

In reply to the Examiner's Answer dated September 6, 2001, Appellants submit this Reply Brief in triplicate under 37 C.F.R. § 1.193(b). It should be noted that this C.F.R. section was amended to remove the requirement that a reply be directed only to new points of argument. Any Reply Brief is due by November 6, 2001, without extension. Therefore, this Reply Brief is being timely filed. No fee is due for the filing of this Reply Brief.

As an initial matter, the Answer alleges that there is no statement in the Appeal Brief regarding related appeals and interferences. Appellants respectfully disagree. Page 2 of the

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Appeal Brief specifically includes a statement that there are no known related appeals and interferences.

Claim 1

After a review of the Examiner's Answer, Appellants found it interesting that the Examiner apparently refuses to detail what elements of Hogan et al. are cited against the various claim elements of the present application, instead simply citing to various sections of Hogan et al. and leaving it to the reader's imagination. If the § 102 anticipation rejection were valid, one would think such a comparison would not be difficult. In fact, when such a comparison is done, as in Appellants' Appeal Brief, it quickly becomes apparent that the rejection fails. For the convenience of the Board, Appellants include below their best interpretation of what the Examiner may be alleging in a comparison of Hogan et al. with claim 1.

Claim 1	Hogan et al.
first computer	repository client
second computer	repository server
at least one entity	repository database, repository unit, or company
search agent	search template
at least one database	repository database

The Appeal Brief already discussed the scenarios where the at least one entity is equated with the Hogan et al. repository database and the repository client. Based on remarks made in the Answer with respect to claim 15 on pages 10 and 11, Appellants present here one other possible scenario for comparing Hogan et al. to the present claims besides the two scenarios presented in the Appeal Brief, and that is the at least one entity being equated with

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the company owning the real-time embedded software. If that is the case, then the Hogan et al. database cannot comprise information of a plurality of entities (in this comparison, a plurality of companies), as claimed in claim 1. Therefore, under any of these scenarios, Hogan et al. cannot anticipate claim 1.

In addition, Appellants stand by their allegation that column 11, lines 55-60 of Hogan et al. suggests the repository database is stored within the repository servers, since this section reads "repository servers in the network system have rules that allow them to access and search any *other* repository database..." (italics added).

Regarding page 5, paragraph 3 of the Appeal Brief referred to in the Answer on page 8 (actually, the second full paragraph, based on the quote in the Answer, given without demarcation), Appellants see no contradiction in argument. Moreover, the cited paragraph is a conclusion to the first argument in the alternative, the first of the two scenarios noted above. The second argument in the alternative with respect to claim 1 starts on page 5 of the Appeal Brief, the third full paragraph. Appellants are not sure why the Examiner labels the second full paragraph as "Argument No. 2."

Claim 4

The Examiner misunderstands the argument with respect to claim 4 in the Appeal Brief. Appellants are not alleging that claim 4 recites "server" and "client." Rather, the section of Hogan et al. cited in the final Office Action against claim 4 (i.e., column 4, lines 10-65) contains no disclosure regarding transferring a search from *its* second computer (i.e., the repository *server*) to *its* first computer (i.e., the repository *client*). In short, there is no disclosure in the cited section of Hogan et al. regarding transferring a search agent from one computer to another. Moreover, the Answer fails to substantively discuss the lack of disclosure in the cited section of Hogan et al. regarding any transfer of the search agent from one computer to another.

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Claim 5

The Answer adds no discussion regarding how the cited section of Hogan et al. (column 11, lines 1-13) can be interpreted to read on claim 5, focusing only on Appellants' interpretation of column 11, lines 55-60 of Hogan et al.

Claim 7

The Answer is silent with regard to substantive remarks related to claim 7.

Claim 8

The words "seller" and "buyer" are never used in the cited section of Hogan et al. (column 5, line 58 to column 6, line 26), which clearly speaks to ways that different personnel types *within the same company* can make use of the real-time embedded software modules. Appellants submit a buyer would be *outside* the company, in any case. Therefore, the cited section cannot even suggest buyers and sellers.

Claim 12

Appellants submit that no undue claim limitations need to be read into claim 12, as alleged in the Answer. Claim 12 already recites that the Web site of the at least one entity has a particular format. The term "format" has meaning in the specification and that is the look and feel of the Web site. See page 9, lines 5-6 of the specification. While no limitations are read into the claims from the specification, the claims are typically read in light of the specification and it is routine to look to the specification for clarification or definition of claim terms.

Claim 15

In response to the Appeal Brief, the Examiner in his Answer now cites to Hogan et al. at column 6, lines 1-7, where previously in the final Office Action, he cited to column 11, lines

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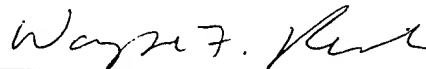
1-13. The Answer alleges at the top of page 11 that the cited section discloses "maintenance of the at least one entity" (italics added). However, claim 15 recites that the at least one database is maintained by the at least one entity, and does not recite maintenance of the at least one entity.

Claim 16

The Answer is silent with regard to substantive remarks related to claim 16.

CONCLUSION

In conclusion, Appellants submit that none of claims 1, 4, 5, 7, 8, 12, 15 or 16 can be anticipated by Hogan et al. Therefore, Appellants continue to submit that the final Office Action should be reversed in all respects.



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Dated: October 29, 2001.

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